

IN THE

**Court of Appeal of the State of California**

IN AND FOR THE

**Fifth Appellate District**

**F043565      People v. Smith**

The trial court's imposition of \$6528.15 in victim restitution is reversed. On remand, the court shall prepare a new abstract of judgment indicating this change and that Smith admitted a violation of section 12022.53, subdivision (c). The court shall forward the amended abstract of judgment to the Department of Corrections. The judgment is, otherwise, affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**COURTROOM PROCEEDINGS**

The court met in its courtroom at 11:00 A.M. Present: Honorable Nickolas J. Dibiaso, Acting Presiding Justice; and Kay Frauenholtz, Court Administrator/Clerk, by Rosemary Heredia, Assistant Deputy Clerk.

**F044886      Loveless et al. v. Melton et al.**

Order to Show Cause as to Genevieve Elias, Official Court Reporter of the Superior Court, Stanislaus, with subject of the Order to Show Cause present.

The records on appeal having been filed in the above-entitled cases, IT IS FURTHER ORDERED the order to show cause be and is hereby discharged.

Court adjourned.

**F045443      Jami L. v. The Superior Court of Kings County; Kings Co. Human Services Agency**

Pursuant to the terms of this court's order of June 28, 2004, and the failure of any party to request oral argument, the oral argument date of July 22, 2004, is vacated.

This matter is deemed submitted on the date of this order.

**F045604      In re Christian B., a Minor**

**F045603      In re Justin N., a Minor**

Appellant's motion to consolidate the above-entitled cases is granted.

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**F045380      In re Khloi C., a Minor; Fresno County Department of Children and Family Services v. Stacey C.**

No brief or request for extension of time having been filed within the time provided, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

**F043075      People v. Ochoa**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F043075      People v. Ochoa**

The judgment is modified to strike Ochoa's conviction on count three, the violation of Health and Safety Code section 11366. The sentence on count three is vacated with instructions to the trial court to prepare an amended abstract of judgment reflecting these changes and to forward the amended abstract to the Department of Corrections. As so modified, the judgment is otherwise affirmed.

By the Court.

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